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As Special Administrator of The Estate of Frank E. Tocci

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SANDRA TOCCI, as Special Administrator)
and Personal Representative of the Estate of) CASE NO.: 2:22-cv-02174-GMN-DJA
Frank E. Tocci, Deceased; and SANDRA)
TOCCI, as Heir and Mother of FRANK E.)
TOCCI, Deceased.
>

12 Plaintiff,
)
)

17 Defendants.

SPECIAL SCHEDULING REVIEW REQUESTED

Pursuant to Federal Rule of Civil Procedure 26(f), on May 1, 2023, and June 1, 2023, the parties participated in Rule 26(f) conference. On May 15, 2023, they filed their Stipulated Discovery Plan and Scheduling Order (Dkt 24). On May 17, 2023, the Court Denied it and ordered the parties to file an amended plan in compliance with its order (Dkt 25). The following contains the parties' stipulated discovery plan and scheduling order and addresses the items highlighted in

1 the Court's Order. . The parties request an eight (instead of the six-month period contemplated by
2 LR 26-1(b)(1)) month discovery period. The parties believe that a slightly longer discovery period
3 should be provided here as this is a death case that will involve significant discovery.

4 **PROPOSED DISCOVERY PLAN:**

5 1. The parties conducted a Fed. R. Civ. P. 26(f) conference on May 1, 2023, and June 1, 2023.

6 Pursuant to the Fed.R.Civ.P.26(f) conference, the parties agree that they will submit their
7 initial disclosures on or before June 30, 2023.

8 2. **Fact Discovery Cut-Off:** The first Defendant appeared on December 30, 2022.

9 Defendants answered Plaintiff's FAC on April 13, 2023. The parties request that the Court
10 calculate the discovery period from the date of the recent conference (June 1, 2023).

11 Using this date, and an 8-month discovery period, discovery shall close February 1, 2024.

12 3. **Amendment of Pleadings and Addition of Parties:** August 1, 2023.

13 4. **Expert Discovery:** Plaintiff's expert disclosures are due November 2, 2023. Defendants'
14 expert disclosures are due December 4, 2023. Rebuttal Expert disclosures are due January
15 3, 2024.

16 5. **Dispositive Motions:** February 28, 2024.

17 6. **Joint Pretrial Order:** 30 days after the dispositive motion deadline. If dispositive
18 motions are filed, the deadline for filing the joint pretrial order will be suspended until 30
19 days after the decision on the dispositive motions or further court order.

20 7. **Rule 26(a)(3) Disclosures:** These disclosures, and any objections to them, must be
21 included in the joint pretrial order.

22 8. **Alternative Dispute Resolution:** The parties met and conferred regarding the possibility
23 of using alternative dispute-resolution processes. While the parties do not currently

1 request that a mediation or ENE be scheduled, in the event they believe it may prove
2 fruitful, they will seek Court guidance to schedule.

3 **9. Alternative Forms of Case Disposition:** The parties certify that they considered consent
4 to trial by a Magistrate judge under 28 U.S.C. Sec. 636(c) and Fed.R.Civ.P.73, and the
5 use of the Short Trial Program (General Order 2013-01). The parties do not consent.

6 **10. Electronic Evidence:** The parties certify that they discussed whether to present evidence
7 in electronic format to jurors for the purposes of jury deliberations. The parties anticipate
8 they will.

9 /s/ Michael I. Gowdey _____
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SANDRA TOCCI, Individually and
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13 Dated: 06/05/2023

/s/ Ashlee B. Hesman (w/ permission)
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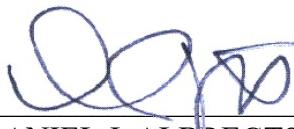
Dated: 06/05/2023

15 **ORDER**

16 IT IS SO ORDERED that the parties' amended second proposed discovery plan
and scheduling order (ECF No. 28) is GRANTED

17 IT IS FURTHER ORDERED that the parties' second proposed discovery plan and
scheduling order (ECF No. 27) is DENIED as moot.

18 DATED this 13th day of June 2023.

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21 DANIEL J. ALBREGTS
22 UNITED STATES MAGISTRATE JUDGE
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